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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
3470 Twelfth Street, Riverside, CA 92501  
CIVIL MINUTES -- GENERAL

JS - 6

Case No. ED CV 09-00037-SGL(OPx)

Date: January 29, 2009

Title: IGNACIO PLASCENCIA, ET AL. -v- RECONTRUST COMPANY, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes  
Courtroom Deputy Clerk

None Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

None present

PROCEEDINGS: IN CHAMBERS (No Proceedings Held)

ORDER SUMMARILY DISMISSING RICO CLAIM; ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS (DOCKET # 4); ORDER VACATING  
FEBRUARY 9, 2009, HEARING

On January 14, 2009, defendants filed a motion to dismiss all the claims in the complaint. The caption on defendants' motions showed that the hearing on it was noticed for March 23, 2009. The Court thereafter re-scheduled the hearing on the motion to February 9, 2009. In the order re-scheduling the matter to the present hearing date, plaintiff was specifically apprised that he had until January 26, 2009, to file an opposition to the motion to dismiss. Contemporaneously, on January 13, 2009, the Court issued an Order requiring plaintiff to file a RICO case statement within fourteen days of the Order or the Court would deem the lack to do so as plaintiff's voluntary dismissal of her RICO claim. Plaintiff has not filed a RICO case statement within the allotted time and therefore is deemed to have voluntarily **DISMISSED** that claim.

This district's Local Rules provide that "[e]ach opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances." See Local Rule 7-9. Accordingly, plaintiff had until January 26, 2009, to file an opposition to defendant's motion to dismiss. The time for plaintiff to file his opposition has come and gone without him doing so.

MINUTES FORM 90  
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Initials of Deputy Clerk: jh

ED CV 09-00037-SGL(OPx)

IGNACIO PLASCENCIA, ET AL. v RECONTRUST COMPANY, ET AL.

MINUTE ORDER of January 29, 2009

Plaintiff's failure to file an opposition to defendants' motion to dismiss is deemed by this Court as plaintiff's consent to the granting of the same. See Local Rule 7-12 ("The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion"); see also Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (holding that district court did not err in summarily granting defendants' motion to dismiss pursuant to a local rule where the pro se plaintiff had time to respond to motion but failed to do so).

Accordingly, defendants' motion to dismiss is **GRANTED** and all the claims in the complaint are hereby **DISMISSED**.

The previously noticed February 9, 2009, hearing on the motion to dismiss is hereby **VACATED**.

IT IS SO ORDERED.